

AMENDED IN ASSEMBLY MARCH 30, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

No. 1453

Introduced by Assembly Member Daucher

February 22, 2005

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An act to add Section ~~399.5 to~~ 394.1 to, and to add Chapter 4.5 (commencing with Section 80.110) to Title 1 of Part 1 of, the Code of Civil Procedure, relating to ~~venue~~ *superior courts*.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1453, as amended, Daucher. ~~Venue: production of Superior courts: adjudication of rights to produce groundwater.~~

Existing law *specifies the jurisdiction of the courts*, sets forth the proper venue for the adjudication of various causes of action, as specified, and provides for the transfer of certain causes of action.

This bill would ~~provide that only certain superior courts shall have venue in an action involving the right to produce groundwater establish 9 water divisions in the superior courts of specified counties. The bill would require the presiding judge of the superior court of each specified county to assign a water judge to the water division to preside over actions that involve the adjudication of rights to produce groundwater, as specified, and would provide for the transfer of groundwater actions to those courts. The superior court in a specified list that is closest to the parcel of land at issue having the largest parcel groundwater basin would have venue.~~ The presiding judge would be required to assign those actions to a judge having extensive experience in adjudicating the right to produce groundwater *consider the experience in groundwater adjudications of each candidate for assignment as water judge, and would provide for filling the position of water judge in the event of a vacancy. The bill would further*

*provide that a water judge has exclusive subject matter jurisdiction, and a water division has exclusive venue, over all matters relating to the adjudication of rights to produce groundwater, as specified. The bill would also require the Judicial Council to promulgate special rules governing such those actions, in consultation with the presiding water judges of the specified courts, the Department of Water Resources, and the State Water Resources Control Board.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. Section 399.5 is added to the Code of Civil~~  
2 ~~Procedure, to read:~~

3 *SECTION 1. Chapter 4.5 (commencing with Section 80.110)*  
4 *is added to Title 1 of Part 1 of the Code of Civil Procedure, to*  
5 *read:*

6  
7 *CHAPTER 4.5. WATER COURTS*

8  
9 *Article 1. Water Divisions*

10  
11 *80.110. To facilitate the adjudication of rights to produce*  
12 *groundwater, water divisions are established in the superior*  
13 *courts as specified in Section 80.120. There shall be a water*  
14 *judge assigned by the presiding judge of the superior court in*  
15 *each county specified in Section 80.120. The water judge shall*  
16 *preside over each adjudication that involves a groundwater*  
17 *basin within the water division in which that court is located and*  
18 *that either is filed in that county or is transferred to that county*  
19 *pursuant to Section 394.1.*

20 *80.120. For the purposes of this chapter, there are nine water*  
21 *divisions. The boundaries of the water divisions are defined by*  
22 *Section 13200 of the Water Code. The water divisions shall be*  
23 *referred to as the following regions, with the following specified*  
24 *counties to have an assigned water judge:*

25 *(a) North Coast Region - Sonoma County.*

26 *(b) San Francisco Bay Region - Alameda County.*

27 *(c) Central Coast Region - San Luis Obispo County.*

28 *(d) Los Angeles Region - Los Angeles County.*

- 1 (e) *Central Valley Region - Sacramento County.*  
2 (f) *Lahonton Region - El Dorado County.*  
3 (g) *Colorado River Basin Region - Riverside County.*  
4 (h) *Santa Ana Region - Orange County.*  
5 (i) *San Diego Region - San Diego County.*

6 80.130. *As soon as practicable, the Judicial Council shall*  
7 *promulgate special rules of practice and procedure and shall*  
8 *prescribe forms for use in connection with cases concerning the*  
9 *adjudication of rights to produce groundwater in consultation*  
10 *with the water judges, the Department of Water Resources, and*  
11 *the State Water Resources Control Board.*

12  
13 *Article 2. Water Judges*  
14

15 80.210. *The presiding judge of the superior court of each*  
16 *county specified in Section 80.120 shall assign a superior court*  
17 *judge to the position of water judge. In making this assignment,*  
18 *the presiding judge shall consider the experience in groundwater*  
19 *adjudications of each candidate for assignment as water judge.*

20 80.220. *If a vacancy occurs, it shall be filled in the manner*  
21 *provided in Section 80.210 for the initial assignment of a water*  
22 *judge. A vacancy is created when a water judge dies, resigns,*  
23 *retires, is not elected to a subsequent term, forfeits his or her*  
24 *judicial position, is removed, or is otherwise unable to complete*  
25 *his or her assignment as a water judge.*

26 80.230. *A water judge shall have exclusive subject matter*  
27 *jurisdiction over all matters relating to the adjudication of rights*  
28 *to produce groundwater referred to in Section 80.110 that either*  
29 *are filed in the county in which that judge sits or are transferred*  
30 *to that county by a motion made pursuant to Section 394.1.*  
31 *Notwithstanding Section 374, a matter shall not be subject to*  
32 *being transferred to another county once the matter is assigned*  
33 *to a water judge.*

34  
35 *Article 3. Disqualification*  
36

37 80.310. *Section 170.6 shall not apply and shall not be utilized*  
38 *to disqualify a water judge in a case within the exclusive*  
39 *jurisdiction of the water judge. If a water judge is disqualified for*  
40 *cause or recuses himself or herself from a case, the case shall be*

1 transferred to any other judge of the superior court in the same  
2 county.

3  
4 Article 4. Venue  
5

6 80.410. A water division shall have exclusive venue in a case  
7 concerning the adjudication of rights to produce groundwater  
8 from a groundwater basin located in that water division upon  
9 either the filing of that case in the county in which the water  
10 judge sits or the transfer of that case to that county pursuant to  
11 the provisions of Section 394.1. A groundwater basin shall be  
12 deemed to be located within that water division in which a  
13 majority of the surface area overlying that groundwater basin is  
14 located.

15 SEC. 2. Section 394.1 is added to the Code of Civil  
16 Procedure, to read:

17 394.1. On motion of any party thereto, an action concerning  
18 the adjudication of rights to produce groundwater shall be  
19 transferred to the county within the water division specified in  
20 Section 80.120 in which the subject groundwater basin is located  
21 and a water judge has been assigned.

22 ~~399.5. (a) Notwithstanding any other provision of law, only~~  
23 ~~certain specified superior courts shall be the proper venue for~~  
24 ~~actions involving the right to produce groundwater, and all~~  
25 ~~actions involving the right to produce groundwater shall be~~  
26 ~~transferred to the proper court. The superior court having venue~~  
27 ~~in such an action shall be the superior court that is closest to the~~  
28 ~~parcel of land at issue having the largest groundwater basin that~~  
29 ~~is listed below:~~

30 ~~(1) Alameda County.~~

31 ~~(2) El Dorado County.~~

32 ~~(3) Los Angeles County.~~

33 ~~(4) Orange County.~~

34 ~~(5) Riverside County.~~

35 ~~(6) Sacramento County.~~

36 ~~(7) San Diego County.~~

37 ~~(8) San Luis Obispo County.~~

38 ~~(9) Sonoma County.~~

39 ~~(b) The presiding judge shall assign all those actions to a judge~~  
40 ~~having extensive experience in adjudicating the right to produce~~

1 groundwater, and that assignment may not be challenged  
2 pursuant to Section 170.6.

3 (e) ~~The Judicial Council shall promulgate special rules of~~  
4 ~~practice and procedure and shall prescribe forms for use in~~  
5 ~~connection with cases concerning the adjudication of rights to~~  
6 ~~produce groundwater in consultation with the presiding judges of~~  
7 ~~the superior court listed in subdivision (a), the Department of~~  
8 ~~Water Resources, and the State Water Resources Control Board.~~

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